



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
GENERAL COUNSEL

September 27, 2019

Taylor Amarel
MuckRock News
DEPT MR 65590 411A Highland Ave
Somerville, MA 02144

Re: Freedom of Information Act Appeal EPA-HQ-2019-006374 (Request No. EPA-HQ-2019-002160)

Dear Mr. Amarel:

I am responding to your Freedom of Information Act (FOIA) appeal, dated June 10, 2019. You appealed the May 17, 2019 decision of Lou Ann Gross (decision), which closed the request you submitted on December 14, 2018 as "request withdrawn." Your December 14, 2015 FOIA request sought "the last 200 pages of emails sent to, from, or copied to the former Regional Administrator Trey Glenn."

Your request was assigned to EPA Region 4. Region 4 emailed you twice seeking clarification of your request. You did not respond to either email. Region 4 closed your request stating they "assume that you are no longer interested in pursuing this request."

I have carefully considered your request, EPA's decision, and your June 10, 2019 appeal. I have determined that your appeal should be, and is, granted. Your request, as submitted, does not require clarification as it sufficiently describes the records you request as required by EPA's FOIA regulations at 40 C.F.R. § 2.102(c). Accordingly, pursuant to 40 C.F.R. § 2.104(k), I am remanding your request to EPA Region 4 to contact you within 10 business days to provide you with a timeline for responding to your request.

This letter constitutes EPA's final determination on this matter. Pursuant to 5 U.S.C. § 552(a)(4)(B), you may obtain judicial review of this determination by filing a complaint in the United States District Court for the district in which you reside or have your principal place of business, or the district in which the records are situated, or in the District of Columbia. Additionally, as part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) within the National Archives and Records Administration was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD,

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20740-6001; e-mail, ogis@nara.gov; telephone, 202-741-5770 or 1-877-684-6448; and fax, 202-741-5769.

Should you have any questions concerning this matter, please contact Joan Kaminer of my staff at (202) 564-0334 or at kaminer.joan@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'K Miller', with a stylized flourish at the end.

Kevin Miller
Assistant General Counsel
General Law Office

Cc: Karen Cody, EPA Region 4, Office of General Counsel